Laforgia, Christian

From:	101 Help-TC2100
Sent:	Monday, March 13, 2006 2:00 PM
To:	Laforgia, Christian
Subject:	RE: Case 09/657,604 - 101 issues

Sorry for the slow response. There's nothing explicitly wrong with the subject matter. It comes down to the actual claim language and whether the individual claims, when taken as a whole, recite patent-eligible subject matter through claiming something that falls within a statutory category and, for subject matter of this type which involves a judicial exception, produces a useful, concrete and tangible result without preempting an abstract idea.

Claim 1, for example, appears to recite nothing that necessarily includes hardware. The interesting thing is that the limitations of the claim itself do not appear anywhere in claim 1. It's claiming an apparatus for integrating 2 things (pki and Web site) and then defines the 2 things. Nowhere does it actually appear to recite any limitations for the apparatus itself. Even if, for arguments sake, the apparatus was intended to include the 2 things, it appears to recite software per se and be non-statutory for at least that reason. Recitation of "Apparatus" in the preamble appears to be inaccurate, or the claim is incomplete, creating a problem under 112, 2nd.
Likewise, the system of claim 17 appears to be software, per se. Same with 26, 30 and the other independent claims up through 36.
Claim 37 actually recites a server as part of the apparatus.

In all of these claims, it's hard to tell if Applicant is seeking to patent the actual arrangement of the elements of the system/apparatus, in which case there is no judicial exception present and thus no need to look for a practical application of the exception through producing a useful, concrete and tangible result, or if the programmed functionality is being relied upon for patentability. If the programmed functionality is being relied upon, none of the claims appear to have functionality which produces a tangible result.

William Grant
TQAS, TC 2100
(571) 272-3584

-----Original Message-----

From:	Laforgia, Christian
Sent:	Thursday, March 09, 2006 3:39 PM
To:	101 Help-TC2100
Subject:	Case 09/657,604 - 101 issues

There appear to be 101 issues in all the independent claims, but I wanted to double check.

The independent claims (1, 17, 26, 30, 35, 36) recite for the most part:

An apparatus (system or method) for integrating a seller's web site with a public key infrastructure, wherein: the public key infrastructure comprises a buyer computer having a Web browser adapted to invoke a signing interface to digitally sign electronic messages (which is an Applet as disclosed **on page 8 of the Spec**) and a seller's bank computer system adapted to receive service requests from the seller and to respond to those requests and the seller's Web site comprises:
a filter adapted to redirect HTTP requests received from the Web browser (the filter implemented using Microsoft Internet Server Application Programming Interface; sample code for implementing a filter is shown in figure 4, **PAGE 10 OF SPEC**);

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coupled to the filter, an Internet server application adapted to receive a redirected HTTP request from the filter and to process the redirected HTTP requests (i.e. a servlet, defined as a Internet server application **PAGE 10 OF SPEC,** discussed further on **PAGES 11-14, FIGURE 5);** and
coupled to the Internet server application, a filter engine adapted to receive the processed HTTP request and to identify an HTTP request that contains data requiring a digital signature by the buyer computer (defined as a public class object that extends java.lang.Object, **PAGES 15-16).**

If there is any information you need in addition to what I have provided, please let me know.

Thank you for all your help.

Chris

Christian La Forgia
Patent Examiner
United States Patent and Trademark Office
Phone: (571)272-3792
Fax: (571)273-3792
email: christian.laforgia@uspto.gov